

*Application no. 10/631,1110
Amendment dated September 27, 2005
Reply to Office Action of July 14, 2005
Page 3*

REMARKS/ARGUMENTS

Claims 4 to 6 have been rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,801,466 to Odagiri et al. ("Odagiri"). Applicant has amended claim 4 to further define the boot. Applicant has amended claim 4 to include the word "flexible" before the word "boot". The boot, or vibrator holder 2, of Odagiri is composed of a bent plate having a predetermined shape so as to accommodate the motor 3 therein and of a predetermined thickness, for example, 0.3 mm, and fixed to the housing (col. 3 lines 50-53). The use of a metal plate to form the vibrator holder 2 indicates that there is little or no flexibility in the boot and that the motor is required to be a specific shape in order to fit in the vibrator holder. Furthermore, since the vibrator holder 2 is fixed to the housing, the vibrator holder can not be "positionable in said mounting slot" as required in claim 4.

Furthermore, there is no angulation of the motor by the boot as required in claim 4. The vibrator holder 2 of Odagiri has a U-shaped cross-section and is simply rectangular with no angulation. The vibrator holder of Odagiri does not include the subject matter of "said motor-receiving slot having an axis angled from an axis of said mounting slot and generally normal with respect to said motor installation surface". In Odagiri, the motor receiving slot has an axis which is parallel to the motor installation surface

Moreover, the motor installation surface of Odagiri is parallel to the frame and not angled away from the reference plane (of the frame) as required in claim 4. The axes of the mounting slot and the vibrator holder are equal to and not angled from each other.

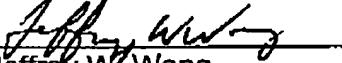
New Claim 7 is directed at the subject matter of the boot being easily detachable from the mounting slot. As shown in Odagiri, the boot is fastened into place by a set of screw 5. As the boot in Odagiri is not flexible, it must be fastened into place which introduces an extra step in forming the frame and vibration motor assembly.

Retraction of Examiner's rejection of claims 4 to 6 is respectfully requested.

*Application no. 10/631,1110
Amendment dated September 27, 2005
Reply to Office Action of July 14, 2005
Page 4*

Applicant respectfully believes that application is in a position for a Notice of Allowance which Applicant respectfully requests. We look forward to further communication on this application.

By:


Jeffrey W. Wong
Registration No. 46,414
Attorney for Applicant

Borden Ladner Gervais LLP
100 Queen Street
Ottawa, Ontario
Canada K1P 1J9

Telephone: (519) 741-9100
Fax: (519) 741-9149
e-mail: jwong@blgcanada.com

IP-KIT-11232821